

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10339 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

KHER FATESINH MANSINH

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 10339 of 2003
MR JIGAR P RAVAL for Petitioner No. 1
Mr.N.J.Shah with MR DN PATEL for Respondent

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 31/07/2003

ORAL JUDGEMENT

Rule. Mr.N.J.Shah for Mr.D.N.Patel for
respondents waives service of rule. With the consent of
parties matter is taken up for final hearing today.

2. The contention raised by the petitioner is that the passport bearing No.A7010548 is already issued to the petitioner. However, the place of birth initially in the passport was recorded as KUNVARDA whereas the correct place of birth is TARSADI and the name of the petitioner was written as FATTEHSINH instead of FATESINH. The petitioner submits that he wants to submit application for carrying out the said changes in his passport, however, the authorities have declined to consider the same in the absence of any order passed by this court.

3. On behalf of Passport authorities it has been submitted that earlier on the basis of School Leaving Certificate passport has been issued. If this court directs the passport authorities, they will consider the matter.

4. Mr.Raval for the petitioner submits that in similar matters this court has passed orders giving directions to the passport authorities to reconsider the matter and to pass appropriate orders and thereafter to incorporate necessary correction in the new passport.

5. In view of the above, the respondent is directed to consider the case of the petitioner for change in place of birth as TARSADI in place of KUNVARDA in passport No.A7010548 at the time when the application for is considered for the purpose of corrections. So far as correction in the spelling of the name of the petitioner is concerned, the passport authority shall consider the same after after undergoing necessary formalities by the petitioner. However, the petitioner shall pay costs of Rs.2,500/to the respondent authorities since the passport authorities can not be saddled with the costs of litigation.

6. It is clarified that this Court has not gone into the legality and validity and genuineness of the above correction(s). Any order passed by the Passport Authority shall not give any additional right to the petitioner, in any other field, on account of the change, including that of service or any other field. Petition is allowed accordingly. Rule is made absolute.

Direct service is permitted.

